

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

PETER ANEKWE,

Petitioner,

-against-

WILLIAM PHILLIPS, Superintendent, Green Haven  
Correctional Facility,

and

ELIOT SPITZER,

Respondents.

FILED

IN CLERK'S OFFICE

05 CV 2183 (ARR)

NOT FOR  
PUBLICATION

ORDER

ROSS, United States District Judge:

On May 2, 2005, petitioner Peter Anekwe filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Mr. Anekwe filed a Memorandum of Law in support of his petition for writ of habeas corpus on August 23, 2005. The government responded to the court's Order to Show Cause on November 9, 2005. On December 1, 2005, Mr. Anekwe filed a motion to appoint counsel and requested permission to amend Point One of his Memorandum of Law.

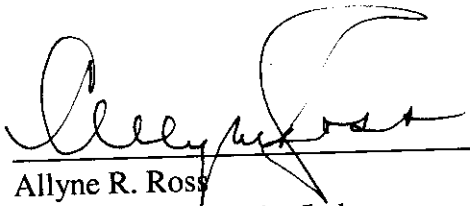
It is hereby

ORDERED that petitioner's request for appointment of counsel is denied at this time without prejudice. This application may be renewed at the conclusion of briefing in this case. It is further

ORDERED that petitioner's request to amend Point One of his Memorandum of Law is granted. Petitioner shall file the amendment to his Memorandum of Law by January 9, 2006. If respondents wish to supplement their response to the Order to Show Cause, they are directed to

do so by February 10, 2006. Petitioner's reply, if any, shall be served on respondents' counsel and filed with the Clerk of Court by March 10, 2006.

SO ORDERED.



Allyne R. Ross  
United States District Judge

Dated: December 6, 2005  
Brooklyn, New York

**Service List:**

**Petitioner:**

Peter Anekwe, pro se  
99A2717  
Green Haven Correctional Facility  
P.O. Box 4000  
Stormville, NY 12582

**Respondents' Attorney:**

Howard Barry Goodman  
Kings County District Attorney  
350 Jay Street  
Brooklyn, NY 11201